THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.8058 of 2007

Dated 20-04-2007

Between:

Pakkila Syam Babu

…Petitioner

And

The District Collector and others

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.8058 of 2007

ORDER:

The petitioner belongs to Scheduled Caste. His father is said to have been assigned an extent of Ac.2.70 cents of land in Sy.No.76/5 of Pandillapalli Village, through proceedings dated 30-04-1975. Petitioner and his father are said to have improved the land by removing the bushes etc., and brought it under cultivation. Casuarina trees are also said to have been grown on it.

The Tahsildar, Vetapalem, the 3rd respondent, issued a show cause notice dated 12-01-2007, requiring the petitioner to explain, within 15 days, as to why the land should not be resumed to the Government, on the ground that it was not brought under cultivation, within the stipulated time. Petitioner states that he has submitted an explanation to the notice, and complains that, even before any orders are passed thereon, he is sought to be evicted by the 3rd respondent.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

The very fact that the petitioner was issued a show cause notice, discloses that the land was assigned to him. The petitioner does not assail the show cause notice, but complains that he is sought to be evicted, even before any orders are passed.

Learned Government Pleader for Revenue has placed before this Court, a copy of order dated 15-03-2007, passed by the

3rd respondent, directing eviction of the petitioner. The petitioner states that he has not been served with copy of such an order.

It is not in dispute that a remedy of appeal is available to the petitioner, before the 2nd respondent. Since the copy of order of cancellation is made available to the learned counsel for the petitioner, the petitioner can prefer appeal within one month from today.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal, and the 3rd respondent shall not evict the petitioner, for a period of four weeks. It shall be open to the petitioner to seek appropriate interim orders before the Appellate Authority.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.20-04-2007.

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